

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF NORTH CAROLINA
DURHAM DIVISION

IN RE:)
)
RUTH M. LANGFORD,) CASE NO. 04-12447C-7
)
Debtor.)
)
)
IN RE:)
)
TONIA LYNN LOWERY,) CASE NO. 04-83012C-7
)
Debtor.)

ORDER

Consistent with the memorandum opinion entered contemporaneously herewith, it is

ORDERED that the following facts be and hereby are certified to the district court pursuant to section 110(i) of the Bankruptcy Code:

1. Clarence D. Smith, Jr., and Marilyn L. Jones failed to properly disclose compensation received for preparing the bankruptcy petition of Ruth M. Langford and Tonia Lynn Lowery (collectively "the Debtors") because they declared that the Debtors only paid \$80 for bankruptcy petition preparer services when they had actually paid \$150.

2. Clarence D. Smith, Jr., committed a fraudulent, unfair, or deceptive act by submitting a declaration under penalty of perjury that the Debtors had paid \$80 for bankruptcy petition preparer services when to the best of his knowledge, information, and belief, he knew that the Debtors had paid \$150.

3. Clarence D. Smith, Jr., committed a fraudulent, unfair, or deceptive act by signing a declaration under penalty of perjury without reading it, which evidences a reckless and cavalier disregard for the gravity of the declaration.

4. Clarence D. Smith, Jr., committed a fraudulent, unfair, or deceptive act by placing a date next to signature of Marilyn L. Jones on the declaration of compensation that was different from the date on which she affixed her signature because Mr. Smith was representing a fact to be true when he knew that fact to be untrue.

5. Charlie Anderson, Clarence D. Smith, Jr., Marilyn L. Jones, and We the People Forms and Service Centers USA, Inc. (collectively "WTP"), committed a fraudulent, unfair, or deceptive act by utilizing the Customer Information Workbook ("Workbook"), the North Carolina Step By Step Guide to the Bankruptcy Workbook ("Guide"), and the Bankruptcy Overview - Chapter 7 North Carolina ("Overview"), which, jointly and severally, constitute the unauthorized practice of law when given to a customer seeking bankruptcy petition preparer services.

6. WTP committed a fraudulent, unfair, or deceptive act by continuing to use the Workbook, Guide, and Overview from February 2004 to July 2004, which constitutes a continuing violation of the North Carolina unauthorized practice of law statute. It is

FURTHER ORDERED that WTP be and hereby is enjoined from distributing the Customer Information Workbook in connection with its bankruptcy petition preparer services for its customers that

file in the Middle District of North Carolina.

PARTIES IN INTEREST

Ms. Underhill, Esq.
5340 S. Quebec Street
Suite 306 North
Greenwood Village, CO 80111

Clarence D. Smith, Jr.
c/o We the People Document Services
4949-C Capital Blvd.
Raleigh, NC 27616

Ms. Marilyn Jones
c/o We the People USA
1501 State Street
Santa Barbara, CA 93101

Jason Searns
General Counsel
WTP Forms & Service Centers USA, Inc.
5655 Yosemite Street, Suite 203
Greenwood Village, CO 80111

Leonard G. Green, Asst. Aty. General
Harriet F. Worley, Asst. Aty. General
P.O. Box 629
Raleigh, NC 27602-0629

Michael D. West
Bankruptcy Administrator